

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

1

The Minutes

January 26, 2004

At 9:33 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Nicholson, Associate Justice; Raye, Associate Justice; and Rios, Bailiff.

**C044931 CASCADE HOUSING ASSOCIATION etc., v. CITY OF JACKSON,
MOSLEY et al. and SENIORS AGAINST GOVERNMENTAL ABUSE et al.**

Cause called. Bud E. Lewis argued for appellants. Lawrence L. Hoffman argued for respondents Cascade and Kenneth C. Rollston argued for respondents City of Jackson. Cause submitted.

At 10:00 a.m., the court recessed. The court reconvened at 10:05 a.m., with Scotland, Presiding Justice; Nicholson, Associate Justice; and Morrison, Associate Justice.

C042007 FONG et al. v. CONNELL, as Controller

Cause called. William W. Palmer argued and Jeff Tochtermann appeared only for appellants. James C. Harrison argued for respondent. Cause submitted.

At 10:35 a.m., the court recessed. The court reconvened at 10:41 a.m., with Blease, Acting Presiding Justice; Morrison, Associate Justice; and Robie, Associate Justice.

C043714 FANOUS v. BOARD OF PODIATRIC MEDICINE

Cause called. Adrian K. Panton, Supervising Deputy Attorney General, argued for appellant. Russell lungerich argued for respondent. Cause submitted.

At 10:51 a.m., the court recessed. The court reconvened at 10:56 a.m., with Raye, Acting Presiding Justice; Morrison, Associate Justice; and Hull, Associate Justice.

C042710 GLAHN & HIRSCHFIELD v. TAYLOR et al.

Cause called. Victor Rosenblatt argued for appellants. Darrell Glahn argued for respondent. Cause submitted.

At 11:27 a.m., the court recessed until 9:30 a.m., Tuesday, January 27, 2004.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

2

The Minutes

January 26, 2004, continued

- C040435 THE PEOPLE v. PATTERSON (Not for Publication)**
The judgment is reversed and the matter is remanded to allow defendant to enter a plea of not guilty by reason of insanity and for further proceedings on such plea.
BLEASE, Acting P.J.
I concur: Davis, J.
I concur in the result:
Morrison, J.
- C041639 THE PEOPLE v. NETTLES (Not for Publication)**
The judgment is affirmed.
BUTZ, J.
We concur: Scotland, P.J.
Robie, J.
- C041394 BOONE v. BOONE, JR., and BOONE, SR. et al. (Not for Publication)**
The order deferring wife's request for attorney fees until trial is affirmed.
NICHOLSON, J.
We concur: Davis, Acting P.J.
Raye, J.
- C041611 JRS PRODUCTS, INC. v. MATSUSHITA ELECTRIC CORPORATION OF AMERICA (Certified for Publication)**
The judgments are reversed and the case is remanded to the trial court for litigation of the breach of contract claim. Both sides must bear costs on appeal. **[CERTIFIED FOR PUBLICATION.]**
RAYE, J.
We concur: Davis, Acting P.J.
Nicholson, J.
- C043568 LOELIGER v. ALILIRE (Not for Publication)**
The order after hearing dated March 25, 2003, is affirmed. Father shall recover his costs on appeal. (Cal. Rules of Court, rule 27(a).)
ROBIE, J.
We concur: Nicholson, Acting P.J.
Raye, J.

January 27, 2004

At 9:32 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Blease, Associate Justice; Robie, Associate Justice; and Facey, Bailiff.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

3

The Minutes

January 27, 2004, continued

C043146 CHEEK v. GRIFFIN & REED EYE CARE

Cause called. Richard J. Burton argued for appellant. Andre M. Chernay argued for respondent. Cause submitted.

At 10:00 a.m., the court recessed. The court reconvened at 10:05 a.m., with Scotland, Presiding Justice; Blease, Associate Justice; and Raye, Associate Justice.

C042470 THE PEOPLE v. DAMPIER

Cause called. Richard M. Doctoroff, court appointed counsel, argued for appellant. Catherine Chatman, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:27 a.m., the court recessed. The court reconvened at 10:34 a.m., with Scotland, Presiding Justice; Hull, Associate Justice; and Robie, Associate Justice.

C042234 THE PEOPLE v. AMADOR

Cause called. Rebecca P. Jones, court appointed counsel, argued for appellant. Doris A. Calandra, Deputy Attorney General, argued for respondent. Cause submitted.

At 11:01 a.m., the court recessed until 9:30 a.m., Tuesday, February 17, 2004.

C040251 THE PEOPLE v. RICHARDSON et al.

C040742 THE PEOPLE v. JAKE

(Not for Publication)

The conviction as to defendant Mukeya Richardson is affirmed, but the order of probation is reversed, and the case is remanded for the resentencing of Mukeya in accordance with Penal Code section 1170.17, subdivision (c).

The judgments against defendants Michael Richardson and Jason Jermell Jake are affirmed.

ROBIE, J.

We concur: Scotland, P.J.
 Nicholson, J.

C040754 THE PEOPLE v. BRENDLIN

(Certified for Publication)

The judgment is reversed.

SCOTLAND, P.J.

We concur: Blease, J.
 Robie, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

4

The Minutes

January 27, 2004, continued

- C041410 THE PEOPLE v. ARMSTRONG (Not for Publication)**
The judgment (order revoking probation) is affirmed.
SCOTLAND, P.J.
We concur: Davis, J.
 Robie, J.
- C041645 THE PEOPLE v. JOHNSON (Not for Publication)**
The order recommitting defendant to the DMH for two years pursuant to section 6604 is affirmed.
MORRISON, J.
We concur: Blease, Acting P.J.
 Davis, J.
- C041750 THE PEOPLE v. FULLER (Not for Publication)**
The judgment is affirmed.
MORRISON, J.
We concur: Blease, Acting P.J.
 Davis, J.
- C041817 THE PEOPLE v. LASAPHANGTHONG (Not for Publication)**
The judgment is affirmed.
RAYE, J.
We concur: Scotland, P.J.
 Blease, J.
- C042361 THE PEOPLE v. BATY (Not for Publication)**
C042455 THE PEOPLE v. ROBERTS
The judgment is affirmed.
BLEASE, Acting P.J.
We concur: Davis, J.
 Hull, J.
- C042446 THE PEOPLE v. GONZALEZ (Not for Publication)**
The judgment is affirmed.
SCOTLAND, P.J.
We concur: Raye, J.
 Morrison, J.
- C043284 THE PEOPLE v. CHAVEZ (Not for Publication)**
The judgment of conviction is reversed.
BLEASE, Acting P.J.
We concur: Morrison, J.
 Robie, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

5

The Minutes

January 27, 2004, continued

C044005 THE PEOPLE v. HENNINGS (Not for Publication)

The judgment is affirmed.

SCOTLAND, P.J.

We concur: Sims, J.
 Davis, J.

C043660 DICKSON, JR. et al. v. REM CON CONSTRUCTION et al. (Not for Publication)

The judgment is reversed. The trial court is directed to vacate its order on summary judgment and enter a new order: (1) denying summary judgment in favor of Rem Con and DeSilva; (2) granting summary adjudication in favor of defendants Rem Con and DeSilva on the second cause of action; and (3) denying summary adjudication of the first and third causes of action as to both defendants. The Dicksons shall recover their costs on appeal. (Cal. Rules of Court, rule 27(a).)

ROBIE, J.

We concur: Scotland, P.J.
 Nicholson, J.

**C044337 ALWAN v. THE SUPERIOR COURT OF SACRAMENTO COUNTY and
MEDICAL BOARD OF CALIFORNIA (Not for Publication)**

The alternative writ is discharged and the petition for writ of mandate is denied. Dr. Alwan shall reimburse the Board for its costs in the writ proceeding before this court. (Cal. Rules of Court, rule 56.4.)

ROBIE, J.

We concur: Scotland, P.J.
 Nicholson, J.

January 28, 2004

C041632 THE PEOPLE v. ROEHRICH (Not for Publication)

The judgment is affirmed.

The appointment of appellate counsel is expanded to include...

SIMS, J.

We concur: Scotland, P.J.
 Butz, J.

C041730 THE PEOPLE v. HARPER (Not for Publication)

The judgment is reversed with directions to the trial court to further inquire into defendant's claim of ineffective assistance of counsel...

ROBIE, J.

We concur: Sims, Acting P.J.
 Hull, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

6

The Minutes

January 28, 2004, continued

- C041790 THE PEOPLE v. ALLEN, JR. (Not for Publication)**
The judgment is affirmed.
SCOTLAND, P.J.
We concur: Nicholson, J.
Raye, J.
- C041946 THE PEOPLE v. LAMPRON (Not for Publication)**
The judgment is reversed.
MORRISON, J.
We concur: Scotland, P.J.
Raye, J.
- C041963 THE PEOPLE v. BALDIZAN (Not for Publication)**
The judgment is affirmed.
MORRISON, J.
I concur: Nicholson, J.
I concur in the judgment and opinion except as to the discussion of “willfully”, as
to which I dissent.
Blease, Acting P.J.
- C042741 THE PEOPLE v. GREY (Not for Publication)**
The judgment is affirmed.
NICHOLSON, J.
We concur: Scotland, P.J.
Robie, J.
- C042772 THE PEOPLE v. GYNES (Not for Publication)**
The judgment is affirmed.
MORRISON, J.
We concur: Raye, Acting P.J.
Hull, J.
- C042066 ROBRECHT v. L.K. HOLLENBEAK LOGGING CORP. et al. (Not for Publication)**
The order of dismissal is affirmed. The parties shall bear their own costs
on appeal. (Rule 27(a).)
SCOTLAND, P.J.
We concur: Hull, J.
Robie, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

8

The Minutes

January 30, 2004, continued

- C041543 THE PEOPLE v. GEREN (Not for Publication)**
The judgment is affirmed.
SIMS, Acting P.J.
We concur: Hull, J.
Robie, J.
- C041767 THE PEOPLE v. GUTHRIE (Not for Publication)**
The judgment is affirmed.
MORRISON, J.
We concur: Scotland, P.J.
Raye, J.
- C042319 THE PEOPLE v. BROWN, III (Not for Publication)**
This judgment is modified... As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and to forward a certified copy to the Department of Corrections.
MORRISON, J.
We concur: Blease, Acting P.J.
Davis, J.
- C044488 THE PEOPLE v. RANKIN (Not for Publication)**
The trial court is directed to correct the abstract of judgment to reflect that conduct credits were awarded pursuant to section 2933.1 and to forward a certified copy of said abstract to the Department of Corrections. The judgment is affirmed.
ROBIE, J.
We concur: Blease, Acting P.J.
Raye, J.
- C039094 COLEMAN v. STATE DEPARTMENT OF CONSUMER AFFAIRS et al. (Not for Publication)**
The judgment is affirmed. Defendants shall recover their costs on the appeal and the cross-appeal. (Cal. Rules of Court, rule 27(a).)
SIMS, J.
We concur: Scotland, P.J.
Davis, J.
- C042166 COMITE DE PADRES DE FAMILIA et al. v. O'CONNELL, as Superintendent, etc., et al. (Not for Publication)**
The judgment is affirmed.
SCOTLAND, P.J.
We concur: Sims, J.
Davis, J.

9

DAVIS, Acting P.J.
HULL, J.
BUTZ, J.